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\*Admitted only in Maryland  
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Federal Agencies

December 6, 2004

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1621**

Re: U.S. Utility Patent Application  
Application No. 09/937,604; § 371 Date: September 26, 2001  
For: **Adjuvant Compositions and Methods for Enhancing Immune  
Responses to Polynucleotide-Based Vaccines**  
Inventor: Carl J. Wheeler  
Our Ref: 1530.0310002/EKS/EJH/ALS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement;
2. One (1) page of Form PTO-1449 citing two (2) documents, and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE KESSLER, GOLDSTEIN & FOX P.L.L.C.

Aaron L. Schwartz  
Agent for Applicant  
Registration No. 48,181

ALS/law  
Enclosures  
339782v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wheeler, Carl J.

Appl. No.: 09/937,604

35 U.S.C. § 371 date: September 26, 2001

For: **Adjuvant Compositions and  
Methods for Enhancing Immune  
Responses to Polynucleotide-  
Based Vaccines**

Confirmation No.: 2136

Art Unit: 1621

Examiner: Davis, Brian J.

Atty. Docket: 1530.0310002/EKS/EJH/ALS

**Third Supplemental Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on October 25, 2004 in connection with the above-captioned application.

Further to the recent notice "Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule," copies of all of the U.S. patents or published patent applications cited on the accompanying PTO-1449 forms need not be provided. 1287 O.G. 67 (October 12, 2004); 69 Fed. Reg. 56481 (September 21, 2004).

Further to the USPTO notification signed on September 21, 2004 entitled "Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications," it is believed that a copy of document AT15 need not be provided because it was filed after June 30, 2003. 1287 O.G. 163.

The Examiner's attention is directed to all of the cited documents which are co-pending U.S. Patent Applications, which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required. 37 C.F.R. § 1.97(b)(4).

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation

that a search has been made, or that information more material to the examination of the present patent application does not exist.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

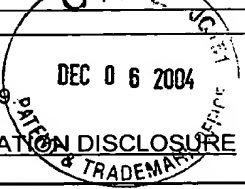
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'A. Schwartz', is positioned above the printed name.

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Date: December 6, 2004  
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FORM PTO-1449			ATTY. DOCKET NO. 1530.0310002/EKS/EJH/ALS		APPLICATION NO. 09/937,604		
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT			FIRST NAMED INVENTOR Wheeler, Carl J.		§ 371 DATE September 26, 2001		
			ART UNIT 1621				
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI3	2004/0209241 A1	10/21/04	Hermanson <i>et al.</i>			
	AJ						
	AK						
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No
<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AR						
	AS						
	AT15		Pending Non-Provisional United States Patent Application No. 10/965,238, Hobart <i>et al.</i> , filed October 15, 2004 (NOT PUBLISHED)				
EXAMINER					DATE CONSIDERED		
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							